



KNJ-217-A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kodama et al.  
Serial Number: 10/562,924  
Filed: 27 December 2005  
U.S. National Phase of  
International Application: PCT/JP2004/007639 filed 27 May 2004  
Completion Date  
Under 35 USC 371: 27 December 2005  
Group Art Unit: 2837  
Examiner: C. M. Russell  
Confirmation Number: 8752  
Title: Sound Insulation/Absorption Structure,  
And Structure Having The Same Applied Thereto

INFORMATION DISCLOSURE STATEMENT UNDER MPEP §609

Mail Stop Amendment  
Commissioner For Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

Sir:

*introduction*

Pursuant to 37 CFR §1.56, §1.97, and §1.98, and to MPEP §609, Applicant encloses a Form PTO/SB/08a listing references for consideration by the examiner.

The following of the listed references:

JP 05-094195 A  
JP 06-161463 A

are named and discussed in the specification of the above-referenced U.S. application.

The following of the listed references:

JP 10-268874 A  
JP 2003-166298 A

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were cited in the International Search Report mailed 07 September 2004 for the above-

referenced international application. Applicant previously cited these same two references in an Information Disclosure Statement dated 27 December 2005 and filed concurrently with the U.S. National Phase application. The office action dated 02 September 2008 from the U.S. Patent And Trademark Office, however, indicates at page 2 thereof that the examiner has not considered them because:

The information disclosure statement filed 12/27/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed.

*copies provided or not*

Also enclosed are copies of the listed references, each with an English translation of its respective abstract.

*relevancy*

References JP 05-094195 A and JP 06-161463 A are discussed at paragraphs 002-012 of the specification.

The International Search Report (a copy of which was already filed as part of the 27 December 2005 Information Disclosure Statement) indicates that both JP 10-268874 A and JP 2003-166298 A are category "A" references, "defining the general state of the art which is not considered to be of particular relevance". The International Search Report indicates that JP 2003-166298 A is also a category "P" reference, "published prior to the international filing date but later than the priority date claimed".

Applicant respectfully submits that the claims presently on file patentably distinguish the present invention from each of the listed references. The listed references are being cited only in the interests of candor and without any admission that they constitute statutory prior art or contain matter which anticipates the present invention or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art.

*to fee or not to fee*

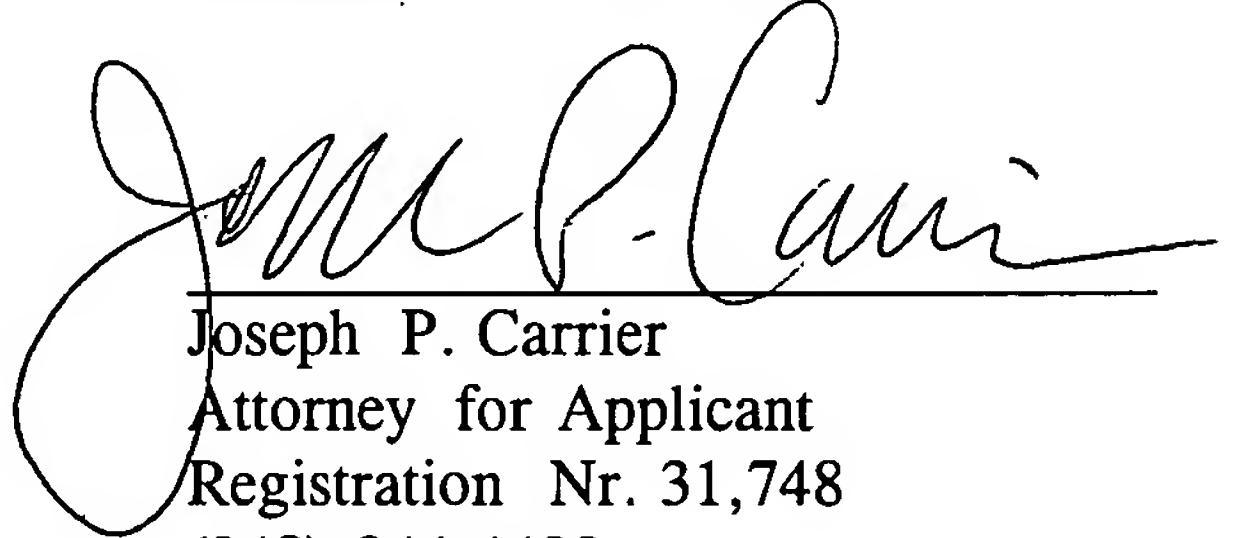
There has already been a first, non-final office action in the subject U.S. application.

Based on the above, there is a \$180.00 fee required to file this Information Disclosure Statement for the examiner's consideration. Applicant encloses a Credit Card Payment

Form PTO-2038, authorizing the Commissioner to charge the required \$180.00 fee to the credit card specified thereon.

Favorable consideration is respectfully requested.

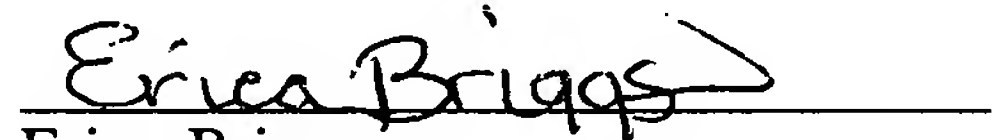
Respectfully submitted,

  
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19 September 2008

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner For Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, with sufficient postage affixed thereto, on 19 September 2008.

Dated: 19 September 2008  
JPC/eb  
enclosures

  
Erica Briggs